

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**IN RE 2014 RADIOSHACK ERISA
LITIGATION**

**THIS DOCUMENT RELATED TO: ALL
ACTIONS**

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Master File No. 4:14-cv-959-O

ORDER

Before the Court is Plaintiffs' Motion for Leave to File Supplemental Authority (ECF No. 121-1), filed November 16, 2015, and Plaintiffs' Appendix in Support (ECF No. 122), filed November 16, 2016. Plaintiffs' Certificate of Conference Pursuant to L.R. 7.1(b) notes that Defendants do not oppose this motion, so long as Defendants are permitted the opportunity to file a response the same length as Plaintiffs' Notice of Supplemental Authority. Order 4, Nov. 16, 2015, ECF No. 121. Plaintiffs are not opposed to Defendants' request to file a response. *Id.* at 2. Having considered Plaintiffs' motion and the applicable law, the Court finds that Plaintiffs' motion should be and is hereby **GRANTED**.

Local Civil Rule 56.7 provides: "Except for the motions, responses, replies, briefs, and appendixes required by these rules, a party may not, without the permission of the presiding judge, file supplemental pleadings, briefs, authorities, or evidence." L.R. 56.7 The court "generally discourages attempts to file supplemental authorities if the authorities were previously available when a party submitted its motion, response, or reply brief," but [w]hen supplemental authority issues after briefing is complete . . . the court will generally permit a party to file a notice of

supplemental authority without seeking formal leave of court.” *Highland Capital Mgmt. L.P. v. Bank of Am., Nat. Ass ’n*, No. 3:10-CV-1632-L, 2013 WL 4502789, at *28 (N.D. Tex. Aug. 23, 2013) (Lindsey, J.), *aff’d sub nom, Highland Capital Mgmt., L.P. v. Bank of Am., N.A.*, 574 F. App’x 486 (5th Cir. 2014). Rule 56.7 does not require a showing of “good cause,” as permission resides “entirely within the presiding judge’s discretion.” *Id.*

Accordingly, it **ORDERED** that Plaintiffs’ Motion to File Supplemental Authority be **GRANTED**. It is **FURTHER ORDERED** that Defendants are permitted to file a response of equal length to Plaintiffs’ Notice of Supplemental Authority.

SO ORDERED on this **17th day of November, 2015**.



Reed O'Connor
UNITED STATES DISTRICT JUDGE